

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA.

CASE NO. 2:23-cr-00180-LK

Plaintiff,

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL
AND PRETRIAL MOTIONS
DEADLINE

IONUT MADALIN ZAMFIR and DANIEL ANDRONACHE,

Defendants.

This matter comes before the Court on Defendants Ionut Zamfir and Daniel Andronache's Motion to Continue Trial and Pretrial Motions Deadline. Dkt. No. 44. Defendants seek to continue the trial date from January 22, 2024 to February 5, 2024, and to continue the pretrial motions deadline to January 4, 2024. *Id.* at 1. The Government does not oppose Defendants' request, but in the event that Defendants' proposed deadline is too close to trial, asks that the Court extend the pretrial motions deadline to December 28, 2023. Dkt. No. 45 at 1-2.¹

¹ Although the Court finds good cause to extend the pretrial motions deadlines as requested, it cautions Defendants that pursuant to Section I.A. of this Court's Standing Order for All Criminal Cases, motions to continue the trial date and pretrial motions deadline must be made prior to the pretrial motions deadline. The Court expects strict compliance.

1 On November 15, 2023, a federal grand jury indicted Mr. Zamfir and Mr. Andronache with
 2 12 counts of Bringing an Alien into the United States at a Place Other than a Designated Port of
 3 Entry, in violation of 8 U.S.C. § 1324(a)(1)(A)(i). Dkt. No. 19 at 1–6. Defendants pleaded not
 4 guilty to all charges and remain in custody. Dkt. Nos. 31–32, 36. Defendants move for a
 5 continuance because the Government produced discovery on December 6, 8, and 14, and they
 6 anticipate that the Government “may produce more discovery and, among other items, a witness
 7 list.” Dkt. No. 44 at 2. In addition, counsel for Mr. Zamfir notes that “[m]eaningful
 8 communication” with him will require a Romanian interpreter, and that he is coordinating a
 9 meeting with Mr. Zamfir and an interpreter on December 26, 2023 to review the evidence and an
 10 offer from the Government, “as well as the potential for motions and additional investigation in
 11 the event the parties are unable to reach an agreement.” *Id.* Last, Mr. Zamfir contends that the
 12 proposed trial date is within his statutory right to a speedy trial, and therefore “an extension to this
 13 date does not require a waiver of his speedy trial rights.” *Id.*

14 Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by
 15 granting a continuance outweigh the best interest of the public and Defendants in any speedier
 16 trial. Specifically, the Court finds that failure to grant the requested continuance would likely result
 17 in a miscarriage of justice and would deny defense counsel the reasonable time necessary for
 18 effective preparation, taking into account the exercise of due diligence, due to counsel’s need for
 19 more time to review the discovery with Defendants and an interpreter, conduct investigation and
 20 legal research, prepare motions, and plan a defense at trial. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv).
 21 The Court finds that the additional time requested is a reasonable period of delay and will be
 22

23 with its Standing Order and the applicable laws and rules moving forward, and reminds the parties that “a failure to
 24 timely raise a pretrial objection required by Rule 12, absent a showing of good cause, constitutes a waiver[.]” *United States v. Ghanem*, 993 F.3d 1113, 1120 (9th Cir. 2021) (cleaned up).

1 necessary to provide counsel and Defendants reasonable time to accomplish the above tasks.

2 For these reasons, the Court GRANTS the motion, Dkt. No. 44, and ORDERS that the trial
3 date shall be continued from January 22, 2024 to February 5, 2024, and the pretrial motions
4 deadline shall be continued to January 4, 2024. It is further ORDERED that, pursuant to 18 U.S.C.
5 § 3161(h)(7)(A) and (B), any period of delay from the date of this Order to the new trial date is
6 EXCLUDED when computing the time within which Defendants' trial must commence under the
7 Speedy Trial Act.

8

9 Dated this 22nd day of December, 2023.

10 
11 Lauren King
12 United States District Judge